

Delegated Report

Planning Reference 25/00984/TPO
Applicant(s) Desford Parish Council
Ward Newbold Verdon with Desford & Peckleton



Hincley & Bosworth
Borough Council

Application Site Pickard Recreation Ground,
Cottage Lane, Desford

Proposal Priority 2 tree works to T2 (Sycamore), T3 (Horse Chestnut), T4 (Horse Chestnut), T7 (Sycamore), T12 (Horse Chestnut), T14 (Sycamore), T20 (Norway Maple), and T22 (Sycamore)

Case Officer Rudi Simpson

1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this report:

2. Planning Application Description

2.1. This application seeks consent for the following Priority 2 tree works at Pickard Recreation Ground, Cottage Lane, Desford:

- T2 (Sycamore) (remove dead wood and general works)
- T3 (Horse Chestnut) (crown reduction and general works)
- T4 (Horse Chestnut) (section felling of tree)
- T7 (Horse Chestnut) (section felling of tree)
- T12 (Horse Chestnut) (section felling of tree)
- T14 (Sycamore) (remove dead wood and general works)
- T20 (Norway Maple) (section felling of tree)
- T22 (Sycamore) (remove dead wood and general works)

3. Description of the Site and the Surrounding Area

3.1. The trees are protected by the Hincley and Bosworth (Pickard Recreation Ground, Cottage Lane, Desford) Tree Preservation Order (No 3) 2019 (19/00003/TPORD).

3.2. The protected trees are located within Pickard Recreation Ground, which is a designated open space within the adopted Site Allocations and Development Management Policies Development Plan Document (2016). Pickard Recreation Ground is within the Desford Conservation Area, which includes a number of identified Important Trees.

- 3.3. The Recreation Ground a pedestrian access from Stewards Close and is bounded by residential development to the north, east and south with Littlefield Lane bordering its western edge. The trees are visually prominent from Littlefield Lane.

4. Relevant Planning History

4.1 02/00434/TPO

- Works to horse chestnut tree
- Permitted
- 15.05.2002

4.2 02/00827/TPO

- Removal and replacement of one tree
- Permitted
- 26.08.2002

4.3 06/01267/TPOCA

- Works to trees
- Permitted
- 19.12.2006

4.4 09/00097/TPOCA

- Works to trees
- Permitted
- 18.03.2009

4.5 12/00685/TPOCA

- Works to trees
- TORDER
- 13.09.2012

4.6 13/00659/TPO

- Works to Horse Chestnut (T7, T15, T19, T21) and Sycamore (T20)
- Permitted
- 14.10.2013

4.7 19/00126/TPO

- Works to trees
- Permitted
- 05.04.2019

4.8 **21/00922/TPO**

- One Mature Sycamore - declining branch removal. One Horse Chestnut - northern branching cut back by 1.5 to 2 metres, low north western branch cut back by 1.5 metres.
- Permitted
- 12.11.2021

4.9 **23/01215/TPO**

- Works to trees
- Permitted
- 01.02.2024

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. Three letters of support were received along with requests for additional works to be included within the application. No further responses have been received.

6. Consultation

- 6.1 The Council's Arboricultural Officer stated:

"I have no objection to the proposed tree works at Pickard Recreation Ground, Cottage Lane, Desford, and am satisfied that the proposals represent responsible tree management. The four trees identified for removal must be ideally replaced with heavy standard specimens with a girth of 12-14cm. Species selection is to be agreed upon with the Leicestershire County Council Tree Specialist to ensure suitability for the site."

- 6.2 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- No relevant policies.

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified
- 8.2 Paragraph 136 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
- 8.3 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.5 The affected trees are subject to a Tree Preservation Order and are located within Desford Conservation Area. The trees are located along the perimeter of the recreation ground and are considered to make a vital positive contribution to the character and the appearance of the designated open space and the wider Conservation Area.
- 8.6 Leicestershire County Council carried out a survey and identified several trees within the recreational ground are in need of maintenance. These are clearly marked as Priority 2 within the Pickards Recreation Ground P2 Works Survey. The works proposed within this application relate to several Sycamore and Horse Chestnut trees and one Norway Maple.
- 8.7 The Council's Arboricultural Officer has assessed the application and supports the proposal. The works are in the interest of public safety and responsible tree management. It is therefore considered that the proposed works are suitable as long as they are carried out in accordance with BS 3998:2010.
- 8.8 Given the positive contribution that the existing trees provide to the setting, a replanting condition is considered necessary to mitigate the loss of those that are being removed.
- 8.9 By virtue of the above, although the proposed work would have an impact upon public amenity, it is considered that these works would be acceptable subject to the replacement tree planting. Therefore, the proposed works would be considered to be in accordance with Policies DM10, DM11, and DM12 of the SADMP.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 In conclusion, the proposed works are considered to be acceptable and therefore in accordance with Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024), subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant consent** subject to conditions

11.2 Conditions and Reasons

1. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. The approved works shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

3. The proposed works to the trees identified as Priority 2 within the Pickards Recreation Ground P2 Works Survey shall be restricted to recommended works as explicitly stated within the survey.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

4. Within one month of the removal, the four trees identified for removal within the Pickards Recreation Ground P2 Works Survey; shall be replaced with heavy standard specimens with a girth of 12-14cm. Species selection is to be agreed upon with the Leicestershire County Council Tree Specialist to ensure suitability for the site. Details including size, location and maintenance requirements shall also be submitted to, and approved in writing by, the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details during the next available planting season (October to March).

Reason: To ensure that a replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. **Notes to Applicant**

1. The Applicant is advised that the consent hereby granted is only valid for a period of two years commencing from the date permission is granted. The works for this consent may only be carried out once unless stated otherwise by condition.
2. This permission does not affect any private property rights and does not authorise the Applicant to carry out work on land outside of their control. The

Applicant is therefore required to obtain the landowners consent prior to commencing any works.

3. It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore, if the tree is mature and has hollow cavities, is covered with ivy, or has a suitable habitat in which bats may roost, the affected tree(s) should be surveyed for bats before any work is carried out.
4. The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. All works to trees should therefore be done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. You are advised that if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of Section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.